72-554 FILE COPY

Supreme Court, U. S.
FILED
OCT 5 1972
MICHAEL RODAK, JR., CLERK

Supreme Court Of The United States

OCTOBER TERM, 1972

No. 72-554

WALTON W. MIMS, individually and as a representative of a class of citizens composed of residents and taxpayers of a common geographical subdivision,

Appellants,

versus

W. G. YARBOROUGH, FRANK COOPER, H. B. KEMP, CRAFTON TIMMERMAN and J. O. BUSSEY, all as members of the Edgefield County Water and Sewer Authority,

Appellees.

APPENDIX

STANLEY H. KOHN
KOHN & FINKEL, *Attorneys*
1408 Bull Street
Columbia South Carolina 29201
(803) 765-2935

GERALD M. FINKEL
OF COUNSEL:

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UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 72-1013

Walton W. Nims, individually and as a representative of a class of citizens composed of residents and taxpayers of a common geographical subdivision,

Appellant,

versus

W. G. Yarborough, Frank Cooper, H. B. Kemp, Crafton Timmerman and J. O. Bussey, all as members of the Edgefield County Water and Sewer Authority, and United States Army Corps of Engineers,

Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenwood. Robert W. Hemphill, District Judge.

Argued May 11, 1972. Decided June 6, 1972.

Per Curiam:

For the reasons stated by the District Judge, we find no inconsistency between the plans for this water distribution system and the requirements of the federal statutes under which loans and grants have been authorized to finance its construction. Nims v. Yarborough, D.S.C., ____ F.Supp. ____

Affirmed.

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UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 72-1013

Walton W. Mims, individually and as a representative of a class of citizens composed of residents and taxpayers of a common geographical subdivision,

Appellants,

versus

W. G. Yarborough, Frank Cooper, B. B. Kemp, Crafton Timmerman and J. O. Bussey, all as members of the Edgefield County Water and Sewer Authority, and United States Army Corps of Engineers,

Appellees.

ORDER

After careful consideration of appellant's petition for rehearing, and with the concurrences of Judge Winter and Judge Field, the petition is denied.

FOR THE COURT:

Clement F. Haynsworth, Jr.
Chief Judge, Fourth Circuit

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF SERVICE

PERSONALLY APPEARED before the undersigned notary public for the State of South Carolina, STANLEY H. KOHN, who first being duly sworn, deposes and says that he is the Attorney for the Appellants in the herein matter; that he served two copies of the herein Appendix upon the Attorneys for the Appellees on the 10th day of October, 1972 by placing said copies in the United States mail, with sufficient postage affixed and addressed as follows:

HOWARD L. BURNS, Esquire
J. KENDALL FEW, Esquire
Post Office Box 1207
Greenwood, South Carolina 29646

SWORN to and subscribed
before me this 10th dav
of October, 1972.

Stanley H. Kohn
STANLEY H. KOHN

Mary M. Wright (LS)
NOTARY PUBLIC FOR SOUTH CAROLINA